

REMARKS

Prior to entry of this amendment, Claims 1-44 were pending in this application. By this amendment, Claims 1, 11, 17, 23, 24 and 31 are amended. The claim amendments do not require a new search of the prior art because the feature that is clarified in the amended claims was disclosed (e.g., FIG. 3, FIG. 4, FIG. 6, and associated text), and claimed (e.g., HTTP daemon of Claim 11), in the application as originally filed. No claims are added or cancelled. Hence, Claims 1-44 are presently pending in this application.

REJECTION BASED ON PRIOR ART

Rejection under 35 U.S.C. §103(a)

The Office Action rejected Claims 1-44 under 35 U.S.C. §103(a) as allegedly unpatentable over Krishnamurthy et al. ("*Krishnamurthy*"; U.S. Patent No. 6,389,464) in view of Spofford et al. ("*Spofford*"; U.S. Patent No. 5,913,037) and in further view of Moeller et al. ("*Moeller*"; U.S. Patent No. 6,662,208).

(A) Summary of Krishnamurthy

Krishnamurthy describes a system comprising a site server 12 to which devices 14 can be connected (col. 5, lines 48-50) and a relational database 80 for storing configuration data which, when used in connection with MIB files, allows native interfaces of devices to be interpreted as SNMP operations, thereby allowing for management of different types of devices 14 connected to the site server 12 (col. 6, lines 58-65). Further, a web server 64 of site server 12 supports a scripting language to allow commands to operate on the relational database 80 (col. 8, lines 24-27) and to specify variables in the scripting language to bind to

specific MIB instances, thus indicating to an SNMP agent 82 that a specific procedure should be run during processing of SNMP operations (col. 9, lines 30-38).

The site server 12 is configured from a remote computer 58 using a web browser (col. 12, lines 39-42) and is programmed to download device MIBs corresponding to devices 14 connected to its ports 92, 94, 96 (col. 14, lines 37-40). For example, a Get command is placed in a native protocol and format that can be understood by a device 14 (col. 16, lines 39-42). The site server is further characterized as a universal device management terminal for managing a plurality of devices from different vendors (col. 20, lines 30 and 31).

(B) Patentable Distinctions Between Cited References and the Claims of the Present Application

(i) CITED REFERENCES HAVE INADEQUATE DISCLOSURE FOR PRIMA FACIE OBVIOUSNESS

Independent Claims 1, 11, 17, 23, 24 and 31 are amended to clarify that **the HTTP request received from the browser is received by an HTTP daemon executed by and hosted within the network packet router.**

Claims 1, 11, 17, 23, 24 and 31 provide the ability to view values of MIB variables directly, without an intermediary component, such as the site server of *Krishnamurthy*. For example, values for MIB variables for a router can be accessed and viewed from an ordinary browser accessing a MIB on the router by communicating directly with an HTTP daemon in the router, **without any intermediary component.**

None of the cited references (*Krishnamurthy*, *Spofford* or *Moeller*) disclose, suggest or motivate, either independently or in combination, hosting and executing an HTTP daemon

in a router to directly query a router MIB from a browser. One skilled in the art at the time of the invention would not be motivated to incorporate an HTTP daemon into a router because that was counter-intuitive at the time of the invention. In contrast, conventional wisdom at the time of the invention was to conserve limited router processing and storage resources and to place HTTP intelligence outside of the router. *Krishnamurthy* is an example of the conventional approach of using an external intermediary component, the site server, to interface between a web browser and a router from which MIB variable values are desired. None of the cited references disclose or enable the translation of HTTP and related protocols and other processing that would be required of a router that is directly accessible for MIB information. For example, the cited references do not suggest or motivate including HTTP and SNMP daemons and an HTTP-SNMP interface process or translator within a router.

A *prima facie* case of obviousness for Claim 1, for example, requires (1) at least a prior art teaching of an HTTP daemon executed by and hosted within a network packet router for HTTP message communication purposes, as well as (2) a motivation to combine the teaching with other teachings of the remaining features in the claim. Neither of these requirements is met and, therefore, the Office Action does not establish a *prima facie* case of obviousness.

The disclosures contained in the cited references do not provide sufficient teachings to one skilled in the art to suggest or motivate the subject matter of Claims 1, 11, 17, 23, 24 and 31. As stated by the Court of Appeals for the Federal Circuit, “[t]o imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of hindsight syndrome wherein that which only the inventor taught is used against its

teacher.” W. L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983).

An obviousness rejection also is not appropriate if substantial reconstruction or redesign of the prior art references is necessary to arrive at the invention, as is the case with the cited references, with respect to Claims 1, 11, 17, 23, 24 and 31 (see In re Ratti, 270 F. 2d 810, 123 USPQ 349 (C.C.P.A. 1959). None of the cited references convey or suggest the integration of an HTTP daemon or server into a network packet router, for interfacing with a network browser accessing MIB information about, and stored in, the router. The system of *Krishnamurthy* would have to be substantially redesigned, as would the systems of *Spofford* and *Moeller*, in order to provide for direct querying of MIB information from a network packet router. For example, functionality of the site server of *Krishnamurthy* would have to be substantially reconstructed into a router to provide direct querying of MIB information within the router. The need for such reconstruction plainly shows that the references lack motivation.

(ii) THERE IS NO MOTIVATION TO COMBINE THE CITED REFERENCES

The Federal Circuit has recently reiterated that “the tests of whether to combine references need to be applied rigorously.” McGinley v. Franklin Sports Inc., 262 F.3d 1339, 60 USPQ 2d 1001, 1008 (Fed. Cir. 2001). Broad, conclusory statements regarding the teaching of multiple references, standing alone, are not “evidence” (McElmurray v. Arkansas Power & Light Co., 995 F.2d 1576, 1578, 27 USPQ 2d 1129, 1131 (Fed. Cir. 1993)), and a general relationship between fields of the prior art references is insufficient to suggest the motivation to combine such references (In re Dembiczak, 175 F.3d 994, 50 USPQ 2d 1614, 1617 (Fed. Cir. 1999)).

Guided by the foregoing principles, the Office Action statement that “one of ordinary skill in the art would have been motivated to receive and communicate the value of a MIB by directly querying the network packet router in order to quickly access the MIB variable, thus enhancing the network’s efficiency” does not meet the standard for an obviousness rejection under 35 U.S.C. § 103. The goals of quickness and efficiency are so general and vague that they cannot rationalize the specific invention that is claimed. It is well-settled that “[i]t is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious” and that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention” (*In re Fritch*, 972 F.2d 1260, 23 USPQ 2d 1780, 1784 (Fed. Cir 1992); quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988)). Conventional wisdom at the time of the invention was to conserve router processing resources and to place HTTP intelligence outside of the router. It appears that impermissible hindsight was used to generate the foregoing statement of motivation.

Furthermore, the fact that (1) network devices may manage and maintain MIBs containing MIB objects pertaining to the respective devices, such as referred to in *Spofford*, or the fact that (2) a switch may be configured with a database of MIB information, such as in *Moeller*, does not provide motivation to incorporate HTTP functionality into a network packet router so that the managed network device can be directly queried for MIB information from a conventional web browser. “That one can reconstruct and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the

teachings of the references to make the claimed invention.” *Ex parte Levengood*, 28 USPQ 2d 1300 (Bd. Pat. App. & Inter. 1993). Based on the foregoing, the cited references supply no such impetus to make the claimed invention.

(iii) THE PRIMARY REFERENCE “TEACHES AWAY” FROM THE CLAIMED INVENTION

The absence of any reasonable suggestion or motivation to combine the teachings of the cited references to arrive at the method recited in Claim 1, for example, is even more apparent when the objectives of the references are considered. *Krishnamurthy* is specifically and explicitly directed to “a universal device management system for managing multi-vendor devices using a single standard manager ... to translate native protocols and formats of multiple devices into a single, standards-based management protocol” (*Krishnamurthy*; Field of the Invention, col. 1, lines 11-19). Furthermore, in distinguishing “proposed” systems, *Krishnamurthy* summarizes a number of proposed network management systems (*Krishnamurthy*; Background, col. 1, lines 40-43) as requiring “agents in the devices themselves which communicate with a manager using a protocol that the manager understands”. *Krishnamurthy* further cites “high development costs required to bring each proprietary device management system into a standards-based device management domain” and “a need ... to lessen the custom development efforts” (col. 2, lines 56-65).

Hence, in describing the “need”, *Krishnamurthy* teaches away from a system in which a protocol conversion agent (e.g., an HTTP daemon, HTTP-SNMP interface, and/or an SNMP daemon) resides in the managed device itself. In contrast, rather than attempting to provide a universal management system that may be able to manage various protocol-disparate network devices, as in *Krishnamurthy*, embodiments of the present invention

integrate directly into the network packet router the processes necessary for receiving, translating and sending HTTP and SNMP communications.

(iv) THE NEW REFERENCE (MOELLER) IS DISTINGUISHED FROM THE CLAIMED INVENTION

The Office Action relied on *Moeller* for an alleged teaching of obtaining a current value of a MIB variable stored in a switch, which has similar functions as a router. However, one glaring difference between the switch of *Moeller* and the router of Claim 1 is that the switch of *Moeller* stores a registration database 26 for ascertaining the current status of a separate ATM device in the ELAN 10 (col., 5, lines 1-8), whereas the router of Claim 1 is **directly queried for MIB information about the router**. Therefore, as with *Krishnamurthy* and *Spofford*, *Moeller* does not disclose, suggest or motivate **directly querying, from a web browser, the router to which the desired MIB value pertains**. For at least this reason, the newly cited *Moeller* reference does not further the standing rejection of Claim 1.

Based on the foregoing, the cited references of record do not support an obviousness rejection of Claims 1, 11, 17, 23, 24 and 31, and withdrawal of the rejection of these claims under 35 U.S.C. §103(a) is respectfully requested.

(ii) Dependent Claims

Claims 2-10, 12-16, 18-22, 25-30 and 32-44 depend either directly or indirectly from Claims 1, 11, 17, 23, 24 and 31. Therefore, Claims 2-10, 12-16, 18-22, 25-30 and 32-44 are patentable over the references of record for at least the same reasons as presented above in reference to their parent claims. Withdrawal of the rejection of Claims 2-10, 12-16, 18-22, 25-30 and 32-44 is requested.

CONCLUSION

For at least the reasons indicated above, Applicants submit that all of the pending claims (1-44) present patentable subject matter over the references of record, including that which was cited but not applied, and are in condition for allowance. Therefore, Applicants respectfully request the Office to issue a timely Notice of Allowance in this case. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicant's undersigned representative.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Respectfully Submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

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Christopher J. Palermo
Reg. No. 42,056

(408) 414-1202
1600 Willow Street
San Jose, CA 95125-5106

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on 7/28/2004 by Darci Sakamoto
Darci Sakamoto